

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEVEN L. SCOTT,

Case No. 2:17-cv-01592-APG-CWH

v.

**Petitioner,**

## ORDER

JO GENTRY, et al.,

## Respondents.

Petitioner Steven L. Scott has submitted a petition for a writ of habeas corpus (ECF No. 1-1). He has paid the filing fee, and therefore, his application to proceed *in forma pauperis* (ECF No. 1) shall be denied as moot.

Petitioner indicates on the face of his petition that he challenged the same judgment of conviction in a previous habeas petition: 2:06-cv-01514-JCM-LRL. On September 23, 2009, this court denied the first petition on the merits, and judgment was entered. See 2:06-cv-01514-JCM-LRL, ECF Nos. 38, 39. This petition, therefore, is a second or successive habeas corpus petition. *Henderson v. Lampert*, 396 F.3d 1049, 1053 (9<sup>th</sup> Cir. 2005). Petitioner was required to obtain authorization from the Ninth Circuit Court of Appeals before he could proceed with a second or successive petition. 28 U.S.C. § 2244(b)(3). Petitioner indicates on the face of this petition that he has not received authorization from the court of appeals. ECF No. 1-1 at 2. Accordingly, this petition shall be dismissed with prejudice as second and successive.

1           Reasonable jurists would not find this conclusion to be debatable or wrong, so  
2 the court will not issue a certificate of appealability.

3           IT IS THEREFORE ORDERED that the Clerk shall **DETACH** and **FILE** the  
4 petition (ECF No. 1-1).

5           IT IS FURTHER ORDERED that petitioner's application to proceed *in forma*  
6 *pauperis* (**ECF No. 1**) is **DENIED as moot**.

7           IT IS FURTHER ORDERED that petitioner's *ex parte* motion for appointment of  
8 counsel (**ECF No. 2**) is **DENIED as moot**.

9           IT IS FURTHER ORDERED that the petition is **DISMISSED** with prejudice as a  
10 successive petition.

11           IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

12           IT IS FURTHER ORDERED that the Clerk shall add Adam Paul Laxalt, Nevada  
13 Attorney General, as counsel for respondents.

14           IT IS FURTHER ORDERED that the Clerk shall electronically serve the petition,  
15 along with a copy of this order, on respondents. No response by respondents is  
16 necessary.

17           IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and  
18 close this case.

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20           DATED: 3 November 2017.



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22           ANDREW P. GORDON  
23           UNITED STATES DISTRICT JUDGE  
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